

**ORDER OF BUSINESS  
BOARD OF COUNTY COMMISSIONERS  
BOARD MEETING  
PALM BEACH COUNTY, FLORIDA**

**OCTOBER 19, 2010**

**TUESDAY  
9:30 A.M.**

**COMMISSION  
CHAMBERS**

- 1. CALL TO ORDER**
  - A. Roll Call
  - B. Invocation
  - C. Pledge of Allegiance
  
- 2. AGENDA APPROVAL**
  - A. Additions, Deletions, Substitutions
  - B. Adoption
  
- 3. CONSENT AGENDA (Pages 7 - 32)**
  
- 4. PUBLIC HEARINGS - 9:30 A.M. (Page 33)**
  
- 5. REGULAR AGENDA (Pages 34 - 38)**  
**TIME CERTAIN 10:00 A.M. (Wage Theft Discussion) (Page 34)**
  
- 6. BOARD APPOINTMENTS (Page 39)**
  
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3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION

1. **Staff recommends motion to approve:** Golf Tournament Agreement with Trump International Golf Club, L.C. and The South Florida Fair, for a one (1) day charitable golf tournament to be held on November 1, 2010. **SUMMARY:** The Development Site Lease Agreement with the Trump International Golf Club, L.C. (Trump), approved September 3, 1996 (R96-1277D), allows use of the golf course during the months of May through October for the County to host either a single two (2) day, or two (2) – one (1) day charitable golf tournament(s). The Golf Tournament Agreement provides for the Trump International Golf Club to be available exclusively for the tournament to be held on November 1, 2010. Proceeds from the golf tournament will benefit The South Florida Fair. Countywide (AH)

B. CLERK & COMPTROLLER

1. **Staff recommends motion to approve:** Warrant List.
2. **Staff recommends motion to approve:** the following final minutes of the Board of County Commissioners' meetings:

<u>Meeting Type</u>	<u>Meeting Date</u>
Workshop	October 28, 2009
Workshop	December 9, 2009
Workshop	January 26, 2010
Regular	March 23, 2010
Comprehensive Plan	April 21, 2010
Comprehensive Plan	April 22, 2010
Zoning	April 22, 2010
Regular	May 18, 2010
Regular	August 17, 2010
Environmental Control	August 17, 2010
Comprehensive Plan	August 30, 2010
Regular	September 14, 2010

3. **Staff recommends motion to approve:** Contracts (regular) and claim settlements list as submitted by various departments to the Clerk & Comptroller's Office. Countywide
4. **Staff recommends motion to receive and file:** change orders, work task orders, minor contracts, final payments and other items approved by the Contract Review Committee and by the department heads for the Engineering Department; Facilities Development and Operations Department; Water Utilities Department; Environmental Resources Management Department; and the Department of Airports during August 2010. Countywide

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS

1. **Staff recommends motion to adopt:** a Resolution to approve Amendment Number 1 to the Joint Participation Agreement (JPA), R2009-0823, between the Florida Department of Transportation (FDOT) and Palm Beach County (County) for the operation and maintenance of the Traffic Management Center (TMC) at the Vista Center. **SUMMARY:** Approval of this Amendment will increase the frequency of invoicing by the County from one (1) to two (2) per year, for the remainder of the term through June 30, 2029. FDOT has agreed to reimburse the County 70% of the maintenance expenses, up to \$100,000 per year, during the first five (5) years of the Agreement. Change of invoicing terms from annual to bi-annual will not have any effect on the total remaining funds. Approval of this Amendment will also help establish the basis for estimating future annual maintenance costs beyond the initial five year term, in accordance with the average of the six (6) most recent invoices approved by FDOT. Countywide (MRE)
  
2. **Staff recommends motion to approve:** the Fiscal Year 2010/2011 Pathway Program. **SUMMARY:** A list of the proposed projects in the Annual Pathway Program for the Fiscal Year 2010/2011 has been compiled in response to requests from the Palm Beach County School Board, Palm Beach County Sheriff's Office, members of the Board of County Commissioners, and residents of Palm Beach County. The proposed projects include 17 new construction projects and 19 major maintenance projects. The total program cost is \$1,500,000 and is divided into the following categories:

School Related	\$ 854,500
Non School Related	\$ 63,400
Major Maintenance	\$ 494,000
ADA and Minor Maintenance	\$ 26,000
Cost and Feasibility Studies	\$ 30,000
Fast Track Schools	\$ 32,100
<hr style="width: 50%; margin-left: 0;"/> Total	<hr style="width: 50%; margin-left: 0;"/> \$1,500,000

Countywide (MRE)

3. **Staff recommends motion to approve:** a Partial Release of a Removal Agreement on the southwest corner of Lake Worth Road and Jog Road. **SUMMARY:** Approval of this action will allow a Partial Release of a Removal Agreement granted in 1982 for the placement of pole signage on the southwest corner of Lake Worth Road and Jog Road. District 2 (PK)
  
4. **DELETED**
  
5. **Staff recommends motion to approve:** Supplemental Agreement No. 2 to Project Agreement R2009-1135 in the amount of \$149,228.01 with Wantman Group, Inc. for professional services. **SUMMARY:** Approval of this Supplemental Agreement will provide the services necessary for the preparation of design plans and construction bid documents for Community Drive and Military Trail intersection improvements. District 2 (PK)

3. CONSENT AGENDA APPROVAL

D. COUNTY ATTORNEY

1. **Staff recommends motion to approve:** a Settlement in the amount of \$100,000, excluding attorney's fees and costs, for the business damage claim of Bedner Growers, Inc., in the eminent domain action styled *Palm Beach County v. Mina J. Taheri, et al.*, Case No. 502010CA008325XXXXMBAO, for the taking of parcels 106 and 706. **SUMMARY:** The County has negotiated a settlement in the amount of \$100,000 subject to the approval of the Board of County Commissioners, for the business damage claim of Bedner Growers, Inc., exclusive of attorney's fees and costs. Bedner operates a large scale nursery specializing in the wholesale and retail sale of peppers and cucumbers. The business has 675 acres of land under cultivation for this purpose and according to Bedner's Federal Tax returns, its gross profits were between 6.8 and 8.9 million dollars yearly for tax years 2007-2009. Based on the County's fee simple taking of parcels 106 and 706, Bedner has permanently lost 4 acres of land that were presently being cultivated. Bedner's expert C.P.A. opined that the business damage loss was approximately \$437,000. The proposed settlement negotiated at mediation was \$100,000 for all business damages, excluding attorney's fees and costs. District 5 (PM)

E. COMMUNITY SERVICES

1. **Staff recommends motion to approve:** Head Start Contracted Services Expansion Agreement with The King's Kids Early Learning Center, Inc., for the period of September 30, 2010, through September 29, 2011, in an amount of \$101,159, for services to Head Start children and families. **SUMMARY:** The Division of Head Start has received funds from the Department of Health and Human Services (HHS) to provide child care services. As a result, Head Start is contracting with The King's Kids Early Learning Center, Inc., to provide services to 18 three (3) and four (4) year-old children for 249 days at a rate of \$22.57 per child/per day. The contract is funded through a combination of Federal grant and County funds. (Head Start) Countywide (TKF)
2. **Staff recommends motion to approve:** Head Start Contracted Services Agreement with Education Development Center, Inc. d/b/a My First Steps Preschool, for the period of October 1, 2010, through September 30, 2011, in an amount of \$477,577 for services to Head Start children and families. **SUMMARY:** The Division of Head Start has received funds from Health and Human Services (HHS) to provide child care services. As a result, Head Start is contracting with Education Development Center, Inc. to provide services to 82 children for 249 days at a rate of \$23.39 per child/per day for three (3) and four (4) year olds. The contract is funded through a combination of Federal grant and County funds. (Head Start) Countywide (TKF)
3. **Staff recommends motion to approve:** Early Head Start Contracted Services Agreement with Emmanuel Child Development Center, Inc., for the period of October 1, 2010, through September 30, 2011, in an amount of \$167,477, for services to Head Start children and families. **SUMMARY:** The Division of Head Start has received funds from the Department of Health and Human Services (HHS) to provide child care services. As a result, Head Start is contracting with Emmanuel Child Development Center, Inc. to provide services to 20 infants and toddlers at a rate of \$33.63 per child, per day for 249 days. The contract is funded through a combination of Federal grant and County funds. (Head Start) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

4. **Staff recommends motion to approve:** Head Start Contracted Services Agreement with The Union Missionary Baptist Church, Inc. (Day Care Center), for the period of October 1, 2010, through September 30, 2011, in an amount of \$215,492, for services to Head Start children and families. **SUMMARY:** The Division of Head Start has received funds from the Department of Health and Human Services (HHS) to provide child care services. As a result, Head Start is contracting with The Union Missionary Baptist Church, Inc. to provide services to 37 children for 249 days at a rate of \$23.39 per child/per day for three (3) and four (4) year olds. The contract is funded through a combination of Federal grant and County funds. (Head Start) Countywide (TKF)
  
5. **Staff recommends motion to approve:** Head Start Contracted Services Expansion Agreement with Kidz Kaleidoscope Center for Early Learning, Inc., for the period of September 30, 2010 through September 29, 2011, in an amount of \$179,838, for services to Head Start children and families. **SUMMARY:** The Division of Head Start has received funds from the Department of Health and Human Services (HHS) to provide child care services. As a result, Head Start is contracting with Kidz Kaleidoscope Center for Early Learning, Inc. to provide services to 32 three (3) and four (4) year-old children for 249 days at a rate of \$22.57 per child/per day. The contract is funded through a combination of Federal grant and County funds. (Head Start) Countywide (TKF)
  
6. **Staff recommends motion to approve:**
  - A) a waiver of prohibited relationship pursuant to Ordinance 2009-051, the Palm Beach County Code of Ethics, for Lorraine Herdeen of Florence Fuller Child Development Centers, Inc., a member of the Child Care Advisory Council; and
  
  - B) Early Head Start Contracted Services Agreement with Florence Fuller Child Development Centers, Inc., for the period of October 1, 2010, through September 30, 2010, in an amount of \$184,225, for services to Early Head Start children and families.

**SUMMARY:** The Division of Head Start has received funds from the Department of Health and Human Services (HHS) to provide child care services. As a result, Head Start is contracting with Florence Fuller Child Development Centers, Inc. to provide services to 22 infants and toddlers at a rate of \$33.63 per child, per day for 249 days. A prohibited relationship waiver is being recommended for Lorraine Herdeen, Executive Director for Florence Fuller Child Development Centers, Inc. who serves on the Child Care Advisory Council. The individual has disclosed this relationship and is requesting a waiver pursuant to Section 3.D. of the Code of Ethics. The waiver is being recommended based on staff's determination that the execution of this contract will not create a conflict of interest with the continued service of the individual on the advisory board. The contract is funded through a combination of Federal grant and County funds. (Head Start) Countywide (TKF)
  
7. **Staff recommends motion to approve:** Head Start Contracted Services Expansion Agreement with Tender Love and Care Child Development Center, Inc., for the period of September 30, 2010, through September 29, 2011, in an amount of \$179,838, for services to Head Start children and families. **SUMMARY:** The Division of Head Start has received funds from the Department of Health and Human Services (HHS) to provide child care services. As a result, Head Start is contracting with Tender Love and Care Child Development Center, Inc. to provide services to 32 three (3) and four (4) year-old children for 249 days at a rate of \$22.57 per child/per day. The contract is funded through a combination of Federal grant and County funds. (Head Start) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

8. **Staff recommends motion to approve:** Early Head Start Contracted Services Agreement with Apostolic Child Development Centers, Inc., for the period of October 1, 2010, through September 30, 2011, in an amount of \$211,550 for services to Early Head Start children and families. **SUMMARY:** The Division of Head Start has received funds from the Department of Health and Human Services (HHS) to provide child care services. As a result, Head Start is contracting with Apostolic Child Development Centers, Inc. to provide services to 24 infants and toddlers at a rate of \$35.40 per child, per day for 249 days. The contract is funded through a combination of Federal grant and County funds. (Head Start) Countywide (TKF)
9. **Staff recommends motion to approve:** Head Start Contracted Services Agreement with A Step Above Learning Center, Inc. (d/b/a A Step Above Early Learning Center), for the period of October 1, 2010, through September 30, 2011, in an amount of \$116,482, for services to Head Start children and families. **SUMMARY:** The Division of Head Start has received funds from the Department of Health and Human Services (HHS) to provide child care services. As a result, Head Start is contracting with A Step Above Learning Center, Inc. to provide services to 20 children for 249 days at a rate of \$23.39 per child/per day for three (3) and four (4) year olds. The contract is funded through a combination of Federal grant and County funds. (Head Start) Countywide (TKF)
10. **Staff recommends motion to approve:** Early Head Start Contracted Services Agreement with Hispanic Human Resources Council, Inc., for the period of October 1, 2010, to September 30, 2011, in an amount of \$211,550 for services to Early Head Start children and families. **SUMMARY:** The Division of Head Start has received funds from the Department of Health and Human Services (HHS) to provide child care services. As a result, Head Start is contracting with Hispanic Human Resource Council, Inc. to provide services to 24 infants and toddlers at a rate of \$35.40 per child, per day for 249 days. The contract is funded through a combination of Federal grant and County funds. (Head Start) Countywide (TKF)
11. **Staff recommends motion to approve:** Head Start Contracted Services Agreement with The King's Kids Early Learning Center, Inc., for the period of October 1, 2010, through September 30, 2011, in an amount of \$192,196 for services to Head Start children and families. **SUMMARY:** The Division of Head Start has received funds from the Department of Health and Human Services (HHS) to provide child care services. As a result, Head Start is contracting with The King's Kids Early Learning Center, Inc. to provide services to 33 children for 249 days at a rate of \$23.39 per child/per day for three (3) and four (4) year olds. The contract is funded through a combination of Federal grant and County funds. (Head Start) Countywide (TKF)
12. **Staff recommends motion to approve:** Head Start Contracted Services Expansion Agreement with The Union Missionary Baptist Church, Inc., for the period of September 30, 2010, through September 29, 2011, in an amount of \$157,393 for services to Head Start children and families. **SUMMARY:** The Division of Head Start has received funds from the Department of Health and Human Services to provide child care services. As a result, Head Start is contracting with The Union Missionary Baptist Church, Inc. to provide services to 35 three (3) and four (4) year-old children for 249 days at a rate of \$18.06 per child/per day. The contract is funded through a combination of Federal grant and County funds. (Head Start) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

13. **Staff recommends motion to approve:** Head Start Contracted Services Agreement with Apostolic Child Development Centers, Inc., for the period of October 1, 2010, through September 30, 2011, in an amount of \$485,744, for services to Head Start children and families. **SUMMARY:** The Division of Head Start has received funds from the Department of Health and Human Services (HHS) to provide child care services. As a result, Head Start is contracting with Apostolic Child Development Centers, Inc. to provide services to 78 children for 249 days at a rate of \$25.01 per child/per day for three (3) and four (4) year olds. The contract is funded through a combination of Federal grant and County funds. (Head Start) Countywide (TKF)
14. **Staff recommends motion to approve:** Early Head Start Contracted Services Expansion Agreement with Life Span of Palm Beach County, Inc., for the period of September 30, 2010, through September 29, 2011, in an amount of \$133,982, for services to Early Head Start children and families. **SUMMARY:** The Division of Head Start has funds from the Department of Health and Human Services (HHS) to provide child care services. As a result, Head Start is contracting with Life Span of Palm Beach County, Inc. to provide services to 16 infants and toddlers for 249 days at a rate of \$33.63 per child/per day. The contract is funded through a combination of Federal grant and County funds. (Head Start) Countywide (TKF)
15. **Staff recommends motion to approve:** Head Start Contracted Services Expansion Agreement with Community Child Care Center of Delray Beach, Inc. d/b/a Achievement Centers for Children & Families, for the period of September 30, 2010, through September 29, 2011, in an amount of \$207,937, for services to Head Start children and families. **SUMMARY:** The Division of Head Start has received funds from the Department of Health and Human Services (HHS) to provide child care services. As a result, Head Start is contracting with Community Child Care Center of Delray Beach, Inc. to provide services to 37 three (3) and four (4) year-old children for 249 days at a rate of \$22.57 per child/per day. The contract is funded through a combination of Federal grant and County funds. (Head Start) Countywide (TKF)
16. **Staff recommends motion to approve:** Contract for Consulting/Professional Services with Caregivers Services, Inc., d/b/a Friends Assisting Seniors and Families, for the period of October 19, 2010, through September 30, 2011, in an amount of \$52,000, for health services to Early Head Start children. **SUMMARY:** The Division of Head Start has received funds from the Department of Health and Human Services (HHS) to provide medical services. As a result, Head Start is contracting with Caregivers, Inc., a Palm Beach County firm, to provide specialized licensed practical nurse services in the Early Head Start program for children (0-36 months) and pregnant women to ensure healthy outcomes. The contract is funded through a combination of Federal grant and County funds. (Head Start) Countywide (TKF)
17. **Staff recommends motion to approve:** Consulting/Professional Services Contract with Oasis Consulting, Inc., for the period of October 19, 2010, through September 30, 2011, in an amount of \$16,000, for mental health services for Early Head Start children. **SUMMARY:** The Division of Head Start has received funds from the Department of Health and Human Services (HHS) to provide medical services. As a result, Head Start is contracting with Oasis Consulting, Inc., a Palm Beach County firm, to provide mental health services to Head Start children and their families. The contract is funded through a combination of Federal grant and County funds. (Head Start) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

18. **Staff recommends motion to approve:** Consulting/Professional Services Contract with Oasis Consulting, Inc., for the period of October 19, 2010, through September 29, 2011, in an amount of \$8,000, for mental health services for Early Head Start expansion program children. **SUMMARY:** The Division of Head Start has received funds from the Department of Health and Human Services (HHS) to provide medical services. As a result, Head Start is contracting with Oasis Consulting, Inc., a Palm Beach County firm, to provide mental health services to Early Head Start children and their families. The contract is funded through a combination of Federal grant and County funds. (Head Start) Countywide (TKF)
  
19. **Staff recommends motion to approve:** Contract for Consulting/Professional Services with Invo Healthcare Associates, Inc. for the period of October 19, 2010, through September 29, 2011, in an amount of \$4,000, for speech and language services to Head Start expansion program children. **SUMMARY:** The Division of Head Start has received funds from the Department of Health and Human Services (HHS) to provide medical services. As a result, Head Start is contracting with Invo Healthcare Associates, Inc., a non Palm Beach County firm with Palm Beach County licensed therapists, to provide speech/language therapy to Head Start children. The contract is funded through a combination of Federal grant and County funds. (Head Start) Countywide (TKF)
  
20. **Staff recommends motion to approve:** Contract for Consulting/Professional Services with Caregivers Services, Inc., d/b/a Friends Assisting Seniors and Families, for the period of October 19, 2010, through September 29, 2011, in an amount of \$33,000, for health services to Early Head Start expansion program children. **SUMMARY:** The Division of Head Start has received funds from the Department of Health and Human Services (HHS) to provide medical services. As a result, Head Start is contracting with Caregivers, Inc., a Palm Beach County firm, to provide specialized licensed practical nurse services in the Early Head Start program for children (0-36 months) and pregnant women to ensure healthy outcomes. The contract is funded through a combination of Federal grant and County funds. (Head Start) Countywide (TKF)
  
21. **Staff recommends motion to approve:** Contract for Consulting/Professional Services with Invo Healthcare Associates, Inc. for the period of October 19, 2010 through September 30, 2011, in an amount of \$8,000 for speech and language services to Head Start children. **SUMMARY:** The Division of Head Start has received funds from the Department of Health and Human Services (HHS) to provide medical services. As a result, Head Start is contracting with Invo Healthcare Associates, Inc., a non Palm Beach County firm with Palm Beach County licensed therapists, to provide speech/language therapy to Head Start children. The contract is funded through a combination of Federal grant and County funds. (Head Start) Countywide (TKF)
  
22. **Staff recommends motion to approve:** Amendment No. 1 to the Agreement with Gulfstream Goodwill Industries, Inc. (R2009-2112) for the period of January 1, 2010, through December 31, 2010, to increase the contract by \$2,173, for a total of \$288,398, for transitional housing and supportive services for homeless individuals. **SUMMARY:** The Division of Human Services has received additional funds from Housing and Urban Development (HUD) to provide transitional housing and supportive services for homeless individuals. As a result, Human Services is continuing to contract with Gulfstream Goodwill Industries Inc. (Goodwill) for existing supportive services funding not currently committed to be obligated that would otherwise be returned to HUD. The contract is funded through a combination of Federal grant and County funds. (Human Services) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

23. **Staff recommends motion to approve:** Contract with The Center for Family Services of Palm Beach County for the period of October 1, 2010, through September 30, 2011, in an amount not to exceed \$122,514, for emergency shelter services to homeless persons. **SUMMARY:** The Division of Human Services is contracting with The Center for Family Services to coordinate emergency after-hours shelter placement and food, including the provision of transportation and ongoing case management to homeless persons until alternate placement can be arranged. The contract is funded through County funds. (Human Services) Countywide (TKF)
24. **Staff recommends motion to approve:** Contract with The Lord's Place for the period of October 1, 2010, through September 30, 2011, in an amount not to exceed \$63,000, for support services to homeless persons. **SUMMARY:** The Division of Human Services is contracting with The Lord's Place to provide supportive services to a maximum of 78 homeless individuals in an effort to reduce recidivism of single, chronic homeless males through Operation Jump Start. The contract is funded through County funds. (Human Services) Countywide (TKF)
25. **Staff recommends motion to approve:** Amendment No. 001 to Standard Agreement No. IZ009-9500 (R2009-1259) for the Alzheimer's Disease Initiative (ADI) Program with the Area Agency on Aging (AAA) of Palm Beach/Treasure Coast, Inc. for the period July 1, 2009 through October 1, 2010, increasing the agreement amount by \$10,667.80 for a new total not-to-exceed amount of \$241,477.80. **SUMMARY:** The Division of Senior Services has received additional funds from AAA to provide services to seniors. As a result, this amendment will increase client services by \$10,667.80. In area south of Hypoluxo Road, the Mae Volen Senior Center, Inc. provides ADI services from AAA. (DOSS) Countywide except for portions of Districts 3, 4, 5, and 7 south of Hypoluxo Road (TKF)
26. **Staff recommends motion to approve:** Amendment No. 002 to Standard Agreement No. IC009-9500 (R2009-1258) for the Community Care for the Elderly (CCE) Program with the Area Agency on Aging (AAA) of Palm Beach/Treasure Coast, Inc. for the period July 1, 2009 through October 1, 2010, increasing the agreement amount by \$18,256.12 for a new total not-to-exceed the amount of \$1,073,626.12. **SUMMARY:** The Division of Senior Services has received additional funds from AAA to provide services to seniors. As a result, this amendment will increase client services by \$18,256.12. This agreement is funded through a combination of State and County funds. In the area south of Hypoluxo Road, the Mae Volen Senior Center, Inc. provides CCE services from AAA. (DOSS) Countywide except for portions of Districts 3, 4, 5, and 7 south of Hypoluxo Road (TKF)
27. **Staff recommends motion to approve:** Home and Community Based Waiver Case Management Referral Agreement with the State of Florida Department of Children and Families' (DCF), Southeast Zone, Circuit 15, Adult Services Program for the period of July 1, 2010 with no expiration date. **SUMMARY:** The purpose of this agreement is to enable eligible disabled adult participants 18 to 59 years old, choice of case management services from the Division of Senior Services (DOSS) in Palm Beach County. DCF authorizes these services in order for the participant to remain in the least restrictive setting and avoid or delay nursing home placement. As a service provider under the Home and Community Based Services program, DOSS will be reimbursed at a unit rate of \$45.00 per hour for Case Management, \$21 per hour for Case Aide, \$10 per hour In Facility Respite. There will be approximately 13 case management clients per month. (DOSS) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

28. Staff recommends motion to receive and file: Community Services Block Grant ARRA Modification Agreement with the State of Florida Department of Community Affairs (DCA) for the period July 1, 2009, through September 30, 2010. **SUMMARY:** The fully executed document has been returned and requires submission to the Clerk's office for filing. This modification incorporates base increase funds of \$50,000 for a new total CSBG ARRA contract amount of \$1,511,906. (Community Action Program) Countywide (TKF)

29. Staff recommends motion to approve:

**A)** a waiver of prohibited relationship pursuant to Ordinance 2009-051, the Palm Beach County Code of Ethics:

- Drug Abuse Foundation of Palm Beach County, Inc., Alton Taylor, a member of the Criminal Justice, Mental Health & Substance Abuse Planning Council and the Public Safety Coordinating Council;
- Farmworkers Coordinating Council of Palm Beach County, Sergio Palacio, a member of the Victim Coordinating Council;
- Gulfstream Goodwill Industries, Inc., Michele Carter and Thomas Bell, members of the Homeless Advisory Board;
- Sickle Cell Foundation of Palm Beach County and Treasure Coast, Inc., Yvette Coursey, a member of the Community Action Advisory Board; and

**B)** Contracts with 23 financially assisted agencies totaling \$7,150,799 for the indicated activities, for the period October 1, 2010, through September 30, 2011:

1) Adopt-A-Family of the Palm Beaches, Inc. - \$208,046 for homeless prevention services, transitional housing & support, and self-sufficiency services;

2) Alzheimer's Community Care, Inc. - \$515,953 for family nurse consultant and specialized adult day care programs for clients and families affected by Alzheimer's disease;

3) Aid to Victims of Domestic Abuse, Inc. - \$229,300 for emergency shelter services for women and children who are victims of domestic abuse;

4) Comprehensive Alcoholism Rehabilitation Programs, Inc. - \$1,134,637 for the Homeless Assessment Center, residential adolescent treatment, residential adult treatment, outpatient treatment and adult detoxification services;

5) Communities in Schools of Palm Beach County, Inc. - in the amount of \$152,175, for comprehensive social, educational and career related support for at-risk children throughout the Palm Beach County area;

6) Drug Abuse Foundation of Palm Beach County, Inc. - \$757,932 for assessment, outpatient substance abuse, level 1 residential treatment, detox and case management;

7) Elizabeth H. Faulk Foundation, Inc. / Center for Group Counseling - \$60,186 for SAGES, which helps the functioning of seniors at risk of becoming increasingly dependent and support groups for caregivers;

8) Farmworkers Coordinating Council of Palm Beach County - \$151,865 for emergency services, self-sufficiency and transportation/translation services;

9) Glades Initiative, Inc. in the amount of \$147,000 for coordination of health and human services in the Glades community;

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

29. MOTION/TITLE CONTINUED

10) Glades Area Association for Retarded Citizens, Inc. in the amount of \$187,209, for food services, supported living and supported employment services;

11) Gulfstream Goodwill Industries, Inc. - \$45,220 for homeless individuals who require supportive assistance in obtaining employment that matches their interests and aptitudes;

12) Housing Partnership, Inc. - \$69,565 for supportive housing for individuals diagnosed with mental illness and substance abuse and for supportive services to family members;

13) Jeff Industries Inc. - in the amount of \$151,036 for day/night psycho-social work adjustment and supported employment services;

14) Palm Beach Habilitation Center, Inc. - \$275,500 for the Senior in Transition and Retirement Services (STARS) Program;

15) Rehabilitation Center for Children & Adults (Crippled Children Society), Inc. - \$50,000 for comprehensive outpatient and medical rehabilitation services;

16) Seagull Industries for the Disabled, Inc. - in the amount of \$271,617, for adult day habilitation programs and residential assisted living facilities;

17) Sickle Cell Foundation of Palm Beach County and Treasure Coast, Inc. - \$65,124, for education and outreach to the Haitian population, screening and case management to affected clients;

18) South County Mental Health Center, Inc. - \$1,501,844 for behavioral health - mental health (crisis stabilization) and psychiatric and medical services (outpatient);

19) The ARC of Palm Beach County, Inc. - \$240,951 for residential services for adults with disabilities;

20) The Center for Family Services of Palm Beach County, Inc. - \$226,956 for individual and family counseling, Traveler's Aid, and emergency assistance programs;

21) The Children's Home Society of Florida, Inc. - in the amount of \$164,862, for project Safe Place, Nelle Smith Residence for Girls, and transitional housing;

22) The Lord's Place, Inc. - \$402,667 for homeless services through Joshua House, the men's campus, the family campus shelter programs and the Engagement Center; and

23) Wayside House, Inc. - \$141,154 for residential treatment for women's substance abuse.

**SUMMARY:** On July 13, 2010, the Board of County Commissioners approved the list of agencies and funding allocations under the Financially Assisted Agency Program. The information submitted reflects part of the total \$ 13,638,671 funding approved by the Board of County Commissioners for FY 2011. Other contracts will be forthcoming upon receipt of all the required information. Prohibited relationship waivers are being recommended for five (5) employees of Financially Assisted Agencies funded programs who serve on County advisory, commission and council boards. These individuals disclosed this relationship and are requesting a waiver pursuant to Section 3.D. of the Code of Ethics. The waivers are being recommended based on a staff determination that the execution of this contract will not create a conflict of interest with the continued service of these individuals on the advisory boards. (Financially Assisted Agency Program) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS

1. Staff recommends motion to approve: the reading into the records for compliance with Florida Statutes 287.055 (Public Announcement in a Uniform and Consistent Manner) the Notice of General Consulting Services Desired by Palm Beach County Department of Airports to provide Environmental Assessment/Architectural/Engineering/Construction Management and Land Development Professional Services. The Department of Airports will execute an advertisement and selection process. **SUMMARY:** In accordance with Board established procedures referencing the Consultant's Competitive Negotiation Act (CCNA), this notice is required to be processed as the initial step of the selection process. A Disadvantaged Business Enterprise (DBE) Goal of 25% has been established. Countywide (AH)

2. Staff recommends motion to approve:

**A)** Amendment No. 9 to the General Consulting Agreement with The LPA Group, Incorporated for Consulting/Professional Services in the amount of \$1,296,402.13 for the continued performance of professional planning and design services related to the approved Palm Beach County Airports Capital Improvement Program; and

**B)** a Budget Transfer of \$1,296,402 in the Airport's Improvement and Development Fund from Reserves to provide budget to fund the Consulting Agreement.

**SUMMARY:** The Consulting Agreement (R2006-2418) with The LPA Group, Incorporated for general airport planning and design was approved on November 21, 2006 in the amount of \$1,420,544 in order to carry out the approved Capital Improvement Programs for the County's Airports. The agreement is for two (2) years with two (2) - one (1) year renewal options. Amendments 1-8 were approved for a net increase in the amount of \$8,030,027.10. Amendment No. 4 approved by the Board of County Commissioners (BCC) on October 21, 2008 (R2008-1847) exercised the first one (1) year renewal option. Amendment No. 7 approved by the BCC on November 3, 2009 (R2009-1877) exercised the second one (1) year renewal option. Approval of Amendment No. 9 in the amount of \$1,296,402.13 will provide funds to complete the following tasks and services: Task I Services – Palm Beach International Airport (PBIA)– Taxiway Lima Extension Services, PBIA Airfield Lighting Control & Monitoring System Construction Administration (CA) Services, PBIA Parking Garage Rehab Inspection Services, PBIA Runway 14-32 Runway Safety Area (RSA) Improvements CA Services, PBIA Parking Garage Additional Design and Re-Bidding Services, PBIA Supplemental to High Speed Taxiways Bidding & CA Services for Taxiway C4, PBIA Main Terminal Water Intrusion Additional Services, PBIA Apron A Additional Quality Assurance (QA) Testing Services, North Palm Beach County General Aviation Airport (F45) Corporate Hangars E & F Additional Services, Palm Beach County Park Airport (LNA) West Access Road Additional Services, 2011 Environmental Compliance Monitoring, Inspection & Training Services, Independent Contract Reviews, and Program Management Services; Task III Services – Miscellaneous Planning, Engineering and Construction Services. The LPA Group, Inc. is a Columbia, South Carolina based firm, however, the majority of the work to be completed in this Amendment will be done through their West Palm Beach, Florida office in conjunction with their Orlando and Tampa offices and several other Palm Beach County-based subconsultants and firms. Certain tasks performed during the term of this Amendment may be eligible for State and Federal grant participation. The Disadvantaged Business Enterprise (DBE) Goal for this contract was established at 25%. The DBE participation for this Amendment is 36.86%. The total DBE contract participation to date including all amendments is 20.84%. Countywide (JCM)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

3. **Staff recommends motion to approve:** a Contract with Engineered Arresting Systems Company, Inc. (ESCO) in the amount of \$3,155,873 for the production, shipping and installation support for an Engineered Material Arresting System (EMAS) at Palm Beach International Airport (PBI). **SUMMARY:** This Contract will provide for the production, shipping and installation support for an EMAS to be installed at the departure end of Runway 14 at PBI. The EMAS is comprised of a series of lightweight, crushable concrete blocks arranged in the form of an "arrestor bed" at the end of the runway, in order to stop or greatly slow an aircraft that overruns the runway. This Contract will facilitate the direct procurement of these goods and services between Palm Beach County and ESCO. Therefore, sole source approval is requested for this procurement. At the present time, ESCO, a Logan Township, New Jersey based company is the only enterprise that has demonstrated and validated a design method, material and manufacturing process meeting the satisfaction of the Federal Aviation Administration (FAA) and the requirements of the FAA's Advisory Circular (AC) 150/5220/22A, which contains standards for arresting systems on U.S. civil airports. A separate contract which has been competitively bid will be brought to the Board for approval for the site work and installation of the system. FAA grant funding of \$2,366,904.75 (75%), Florida Department of Transportation (FDOT) grant funding of \$394,484.12 (12.5%) and Passenger Facility Charge (PFC) funds of \$394,484.13 (12.5%) will be utilized in funding this project. Countywide (JCM)
  
4. **Staff recommends motion to approve:** a Contract with Rosso Paving & Drainage, Inc. in the amount of \$442,600.88 for the Runway 14-32 Runway Safety Area (RSA) Improvements at Palm Beach International Airport (PBI). **SUMMARY:** This project was advertised utilizing the County's competitive bid process. On July 21, 2010, six (6) bids were received for the Runway 14-32 RSA Improvements at PBI. Of the six (6) bids, Rosso Paving & Drainage, Inc., a Palm Beach County Company, has been identified as the lowest responsible/responsive bidder in the amount of \$442,600.88. The Disadvantaged Business Enterprise (DBE) Goal for this project was established at 18.00%. Rosso Paving & Drainage, Inc. DBE participation is 58.98%. Federal Aviation Administration grant funding of \$331,950.66 (75%), Florida Department of Transportation grant funding of \$55,325.11 (12.5%) and local funds of \$55,325.11 (12.5%) are being utilized to fund this project. Countywide (JCM)
  
5. **Staff recommends motion to approve:** a list of 12 charitable organizations to benefit from the proceeds (coins) from the fountain at Palm Beach International Airport during the period October 1, 2010, through September 30, 2011. **SUMMARY:** On March 14, 1989, the Board approved the concept of collecting contributions from the Airport's fountain on a monthly basis and contributing the funds to a different charitable organization recommended by the Community Services Department and approved by the Board. The Department of Airports recommends the non-profit organizations listed on Attachment "A" (of the Agenda Item) provided by the Community Services Department to receive contributions for the forthcoming fiscal year, commencing October 1, 2010. Average monthly contributions for the past year have been approximately \$100. In addition, the list will be provided to Paradies-Palm Beach, LLC, the Airport's retail concessionaire, who will send the contribution from the fountain in its gift shop areas along with an additional contribution of \$250 to the recommended recipients pursuant to its concession agreement. Countywide (AH)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

6. Staff recommends motion to receive and file: five (5) original Agreements for the Department of Airports:

**A)** Palm Beach International Airport Off-Airport Lot Operator Ground Transportation Permit with Palm Beach Airport Parking, Inc. (d/b/a Park 'N Save) effective October 1, 2010, terminating September 30, 2011, automatically renewed on a yearly basis (10/1 through 9/30);

**B)** Palm Beach International Airport Nonconcessionaire Rental Car Operator Ground Transportation Permit with National Car Rentals of Palm Beach, Inc. d/b/a Datura Auto Rentals effective October 1, 2010, terminating September 30, 2011, automatically renewed on a yearly basis (10/1 through 9/30);

**C)** General Aeronautical Services Permit with Eulen America, Inc., commencing October 1, 2010, expiring September 30, 2011, automatically renewed on a year-to-year basis (10/1 through 9/30);

**D)** Federal Aviation Administration Grant Agreement Number 3-12-0085-053-2010 for "Install Engineering Material Arrestor System on Runway 14/32; Install Airfield Lighting Control and Monitoring System; Terminal Flooring Improvements" at PBIA; and

**E)** Federal Aviation Administration Grant Agreement Number 3-12-0113-014-2010 for "Replacement of AWOS" at North Palm Beach County General Aviation Airport.

**SUMMARY:** Delegation of authority for execution of the standard County agreements above was approved by the Board of County Commissioners in R2006-2086, R2010-0708 and R2010-1107. Countywide (AH)

G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

1. Staff recommends motion to approve: the Budget Amendment of \$34,483,466 in the \$28.7M General Obligation Refunding Bonds, Series 2010 (Recreational and Cultural Facilities) debt service fund to budget bond proceeds, cost of issuance and the payment to the refunding bond escrow agent on the bonds. **SUMMARY:** On May 18, 2010, the Board authorized the issuance of the refunding bonds (R2010-0816) for all or a portion of the General Obligation Bonds, Series 2003 and Series 2005 (Recreational and Cultural Facilities) and authorized the County Administrator to publish through electronic means a summary Notice of Sale and to receive bids pursuant to a competitive sale of the bonds and award the sale of the bonds to the responsible bidder offering the lowest true interest costs to the County resulting in a minimum net present value savings of not less than 3.5%. The County accepted bids to refund a portion of the Series 2003 and Series 2005 Bonds on September 21 and awarded the sale of the Series 2010 Refunding Bonds to TD Securities (USA) LLC at a net present value savings of \$1,180,946 or 3.962%. This Budget Amendment establishes budget for the sale of the 2010 Refunding Bonds, the costs of issuance and the payment to the refunding bond escrow agent. Financial Management and Budget will make the necessary budget transfers from the debt service funds for the Series 2003 Bonds and the Series 2005 Bonds to provide for the debt service for the Series 2010 Refunding Bonds. Countywide (PFK)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS

1. **Staff recommends motion to approve:** Change Order No. 7 to the Contract with The Weitz Company (R2003-1542) decreasing the Guaranteed Maximum Price (GMP) for the Government Center Elevator Upgrade project by \$306,020. **SUMMARY:** There is \$306,020 remaining in the contract contingency due to unused escalation, contingency and buy out savings. This project was bid in mid 2007 when the bidding environment had unprecedented escalation for the past three years. As a result, contractors were fearful of further price increases and were including substantial escalation and contingency factors in their prices. Fortunately, prices stabilized in late 2007 and 2008 resulting in savings returned to the County. Change Order No. 7 will allow for the closeout of this contract. The final Small Business Enterprise (SBE) participation for this project is 2.4%. The Weitz Company overall SBE participation for the annual contract (R2003-1542) is 17.9%. (Capital Improvements Division) District 7 (JM)
  
2. **Staff recommends motion to approve:** a First Amendment to Interlocal Agreement (R2006-0460) with the U.S. Marshals Service (Service) for the County to provide fleet management services until March 13, 2016. **SUMMARY:** The Interlocal Agreement under which the County provides fleet services to the Service will expire on March 13, 2011. The Interlocal Agreement provides for one (1) renewal option for a period of five (5) years. Both parties must approve the renewal option. The Service has approved the renewal to extend the term of the Interlocal Agreement until March 13, 2016. The renewal now requires Board approval. The County does not require any additional staffing and/or equipment to extend the term of this Interlocal Agreement, and as such, this Interlocal Agreement will result in increased revenues to Fleet Management. The actual amount of revenue to be generated will depend on the level of use by the Service. This First Amendment renews the terms and updates the notice provisions. Other than the changes set forth herein, all other terms remain the same. (Fleet) Countywide (JM)

3. CONSENT AGENDA APPROVAL

I. HOUSING & COMMUNITY DEVELOPMENT

1. Staff recommends motion to approve:

**A)** eight (8) Agreements under the FY 2010-2011 Emergency Shelter Grants Program (ESGP) totaling \$200,247 in the amounts indicated below, for the period October 1, 2010, to September 30, 2011:

1) Adopt-A-Family of the Palm Beaches, Inc. -	\$30,461
2) Aid to Victims of Domestic Abuse, Inc. -	\$30,000
3) Children's Case Management Organization, Inc. -	\$24,000
4) Children's Home Society of Florida, Inc. -	\$21,404
5) The Lord's Place, Inc. (Family Shelter) -	\$25,835
6) The Lord's Place Men's Recovery Center -	\$25,835
7) Salvation Army -	\$32,712
8) Urban League of Palm Beach County -	\$10,000

**B)** a waiver of prohibited relationship pursuant to Ordinance 2009-051, the Palm Beach County Code of Ethics, for three (3) employees of the Urban League of Palm Beach County Inc.: Patrick Franklin, a member of the Overall Economic Development Program Committee; Theresa Johnson, a member of the Community Action Advisory Board; and Jimmy Weatherspoon, a member of the Housing Finance Authority.

**SUMMARY:** The FY 2010-2011 Action Plan approved by the Board of County Commissioners (BCC) on July 20, 2010 allocated \$299,384 of ESGP funds to provide assistance countywide to the homeless and those at risk of becoming homeless. The agreements being presented for approval will distribute \$200,247 in ESGP funds for the operation and maintenance of emergency shelters and transitional housing facilities and homeless prevention activities. Prohibited relationship waivers are being recommended for the three (3) employees of Urban League of Palm Beach County who serve on County advisory boards. The individuals have disclosed this relationship and are requesting a waiver pursuant to Section 3.D. of the Code of Ethics. The waivers are being recommended based on a staff determination that the execution of this contract will not create a conflict of interest with the continued service of the individuals on the advisory board. Agreements for the remaining \$84,168 will be presented to the BCC at a later date. Housing & Community Development staff reviews agency program budgets to ensure no duplication in reimbursement of expenses from other County programs. **These Federal funds require a matching contribution which will be provided by the agencies.** Countywide (TKF)

3. CONSENT AGENDA APPROVAL

I. HOUSING & COMMUNITY DEVELOPMENT (Cont'd)

2. Staff recommends motion to approve:

A) eighteen (18) Agreements under the FY 2010-2011 Community Development Block Grant (CDBG) Program totaling \$1,024,091 to 16 non-profit agencies and two (2) municipalities, in the amounts indicated below, for the period October 1, 2010, to September 30, 2011:

1)	Adopt-A-Family of the Palm Beaches, Inc. -	\$30,400
2)	Aid to Victims of Domestic Abuse, Inc. -	\$50,667
3)	The ARC of Palm Beach County, Inc. -	\$72,500
4)	Children's Home Society of Florida, Inc.-	\$76,380
5)	Children's Case Management Organization -	\$18,000
6)	Coalition for Independent Living Options, Inc.-	\$39,000
7)	Consumer Credit Counseling Services-	\$25,000
8)	Healthy Mothers/ Healthy Babies, Inc. -	\$50,176
9)	Legal Aid Society of Palm Beach County -	\$190,000
10)	Place of Hope, Inc. -	\$38,000
11)	Seagull Industries for the Disabled-	\$72,000
12)	Sickle Cell Foundation, Inc. -	\$52,500
13)	The Lord's Place, Inc. (Café Joshua) -	\$71,500
14)	The Salvation Army-	\$16,720
15)	West Jupiter Community Group, Inc.-	\$54,000
16)	Urban League of Palm Beach County -	\$60,000
17)	City of South Bay -	\$43,448
18)	City of Pahokee -	\$63,800

B) a waiver of prohibited relationship pursuant to Ordinance 2009-051, the Palm Beach County Code of Ethics, for Kimberly Rommel Enright of Palm Beach County Legal Aid Society, Inc., a member of the Palm Beach County HIV Care Council, Yvette Coursey of Sickle Cell Foundation, a member of the Community Action Advisory Board, Genevieve Cousminer of Coalition for Independent Living Options, a member of the Emergency Shelter Grants Program Advisory Board, Patrick Franklin of Urban League of Palm Beach County, a member of the Overall Economic Development Program Committee, Theresa Johnson of Urban League of Palm Beach County, Inc., a member of the Community Action Advisory Board, Maite Reyes-Coles of Coalition for Independent Living Options, a member of the Commission on Affordable Housing, and Jimmy Weatherspoon of Urban League of Palm Beach County, a member of the Housing Finance Authority.

**SUMMARY:** The FY 2010-2011 Action Plan approved by the Board of County Commissioners on July 20, 2010 allocated \$1,356,450 of CDBG funds for the provision of public services, fair housing activities and housing activity delivery costs. The agreements being presented for approval will allocate the approved funding as follows: \$726,843 to 15 subrecipients for the provision of public services; \$190,000 to one (1) subrecipient for the provision of fair housing services; and \$107,248 to two (2) municipalities for delivery costs associated with implementation of CDBG funded housing and community development activities. Prohibited relationship waivers are being recommended for the seven (7) persons who serve on County advisory boards. The individuals have disclosed this relationship and are requesting a waiver pursuant to Section 3.D. of the Code of Ethics. The waivers are being recommended based on a staff determination that the execution of this contract will not create a conflict of interest with the continued service of the individuals on the advisory board. The remaining agreements for \$232,359 will be presented to the BCC at a later date. HCD staff reviews agency program budgets to ensure no duplication in reimbursement of expenses from other County programs. **These are Federal funds that require no local match.** Countywide (TKF)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES

1. **Staff recommends motion to receive and file:** one (1) Agreement for Emergency Generator Purchase, Operation and Maintenance with The Club at Indian Lakes Homeowners' Association, Inc. **SUMMARY:** On March 14, 2006, the Board of County Commissioners delegated the authority to execute Emergency Generator Purchase, Operation and Maintenance Agreements (Agreements) to the County Administrator or his designee. The County Administrator has delegated this approval to the Palm Beach County Water Utilities Department Director. These agreements provide property owners with the ability to fund the purchase of emergency generators for lift stations located within their community. The Department will assign the community its generator(s), locate the generator(s) on-site during hurricane season, and operate and maintain the generator(s) during emergencies. By executing such agreements, the Department is able to expedite its goal of providing a higher level of emergency response service throughout its service area. Power outages that occur during hurricanes and other emergencies require the Department to operate a system of emergency generators at wastewater pump stations to prevent wastewater from backing up into streets, swales, and residents' homes. Due to the great number of lift stations and limited staffing resources, the Department is not able to place an emergency generator at every lift station. These agreements will increase the number of generators available to the Department during emergencies. District 5 (MJ)
  
2. **Staff recommends motion to approve:** a Mitigation Agreement with the City of West Palm Beach (WPB) and payment in the amount of \$281,600 relating to the Reclaimed Water Agreement with Florida Power and Light (FPL). **SUMMARY:** On May 20, 2008, the Board of County Commissioners (BCC) approved an Interlocal Agreement (R2008-0908) with WPB related to the County providing reclaimed water to the FPL West County Energy Center. This Agreement establishes the off-site mitigation required due to the construction of the County/FPL Reclaimed Pipeline Project (Project). WPB will enhance, restore, operate, monitor, and maintain approximately 8.8 acres of wetlands in WPB's Water Catchment Area at a total cost of \$281,600, to be reimbursed by FPL. District 6 (MJ)
  
3. **Staff recommends motion to approve:** a Contract with Energy Efficient Electric, Inc. for the Glades Utility Authority (GUA) Pahokee Wastewater Treatment Plant Overhead Electric Replacement Project in the amount of \$336,900. **SUMMARY:** On May 12, 2010, two (2) construction bids were received for the GUA's Pahokee Wastewater Treatment Plant Overhead Electric Replacement, with Energy Efficient Electric, Inc. being the lowest responsive and responsible bidder in the amount of \$336,900. Funding for this project has been allocated by Palm Beach County Department Housing & Community Development (HCD) under Community Development Block Grant Disaster Recovery Initiative (CDBG DRI) Program. Water Utilities Department will manage the project for GUA and receive reimbursement from the grant. This Contract is federally funded and has participation goals of 22.4% MBE and 6.9% WBE. The Contract with Energy Efficient Electric, Inc. includes 14.84% WBE participation and the overall project including engineering services achieved 10.53% MBE and 12.46% WBE participation. Energy Efficient Electric, Inc. is a local Palm Beach County Company. **These are Federal Community Development Block Grant (DRI) funds that require no local match.** (WUD Project No. 09-073) District 6 (JM)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

4. **Staff recommends motion to approve:** Consultant Services Authorization No. 8 to the contract with AECOM USA, Inc. (R2008-0531) for technical services to improve the Glades Utility Authority (GUA) Belle Glade Wastewater Treatment Plant (WWTP) in the amount of \$183,384. **SUMMARY:** This Consultant Services Authorization includes design, permitting, and bidding services for improvement to the GUA Belle Glade WWTP. These improvements are necessary to meet the peak flow requirements caused by the excessive inflow and infiltration in the wastewater collection system. The GUA was awarded an Economic Development Agency (EDA) Grant to upgrade the Belle Glade wastewater collection system and the WWTP. Water Utilities Department will manage the project for GUA and receive reimbursement from the EDA grant. The contract with AECOM USA, Inc. includes the small business (SBE) participation goal of 30%, which exceeds the 15% goal established by the Palm Beach County Ordinance (No. 2002-064). This Consultant Services Authorization includes 31.35% overall SBE participation. The consultant's cumulative SBE participation, including this authorization, is 30.03% overall. The consultant is a local Palm Beach County firm. **These are Federal Economic Development Agency funds that require no local match.** (WUD Project No. 10-062) District 6 (JM)
  
5. **Staff recommends motion to approve:** an Indemnification Agreement (Agreement) with Bethesda Healthcare System. **SUMMARY:** Bethesda Healthcare System, Inc., (Bethesda) is in the process of building a general acute care hospital at the northeast corner of State Road 7 and Boynton Beach Boulevard. In order to service the hospital, Bethesda is required to construct certain water main and wastewater main extensions within Florida Department of Transportation (FDOT) right-of-ways. Following completion of construction, ownership of the mains will be transferred to the County. Even though construction will be performed by Bethesda and its contractors, FDOT requires that the construction permits be issued in the County's name. Under the terms of the Agreement, Bethesda agrees to indemnify and hold the County harmless against any costs, losses or claims that might arise out of or are attributable to any and all acts and omissions by Bethesda or its contractors arising as a result of the construction. (WUD Project No. 09-515 & 09-563) District 5 (MJ)
  
6. **Staff recommends motion to:**
  - A) **approve** a Standard Indemnity Agreement for Permits;
  
  - B) **authorize** the County Administrator or designee to enter into the Standard Indemnity Agreement for Permits; and
  
  - C) **approve** incorporation of the Standard Indemnity Agreement for Permits into Chapter 3 of the Department's Uniform Policies and Procedures (UPAP).

**SUMMARY:** A developer initiating and funding a utility construction project may require utility permits from agencies who identify the County as the "Permittee". Even though construction will be performed by the developer and its contractors, the permitting agency requires that the construction permits be issued in the County's name. Under the terms of the Agreement, the developer agrees to indemnify and hold the County harmless against any costs, losses or claims that might arise out of or are attributable to any and all acts and omissions by the developer or its contractors arising as a result of the construction. The Standard Indemnity Agreement for Permits, will be utilized in future situations where the County is required to pull permits for construction within right-of ways where construction is to be performed by parties other than the County and its contractors. Following completion of construction, ownership of the utility facility will be transferred to the County. District 5 (MJ)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Staff recommends motion to:

**A) approve** an Assistance Award (Award) with the U.S. Fish and Wildlife Service under the North American Wetlands Conservation Act (NAWCA) small grants program. The \$75,000 Award will help fund the West Loxahatchee Slough Restoration Project. The total project cost is \$225,000 with the County providing a \$50,000 in-kind match and the South Florida Water Management District (SFWMD) providing a \$100,000 in-kind match;

**B) approve** a Budget Amendment of \$75,000 in the Environmental Resources Capital Fund to recognize the Award;

**C) approve** an Interlocal Agreement (Agreement) with the South Florida Water Management District (SFWMD) for the replacement of the PC-17 Project Culvert located on the western leg of the C-18 Canal in the Loxahatchee Slough Natural Area (West Loxahatchee Slough Restoration Project) and the respective in-kind commitments for the NAWCA Award. The term of this Agreement is three (3) years; and

**D) authorize** the County Administrator, or his designee, to sign all future time extensions, task assignments, certifications, statements and other forms associated with the Award and the Agreement on behalf of the County, so long as the documents or amendments do not change the scope of work for the Award or modify the amount of the Award or its required matching funds.

**SUMMARY:** The Loxahatchee Slough is located at the northern arm of the Florida Everglades, although connections with the remainder of the Everglades have been largely severed. The Project Site is located in the western portion of the County's Loxahatchee Slough Natural Area. The project will be done in partnership with the SFWMD and will remove and replace four (4) deteriorated culverts which overdrain a large portion of the Loxahatchee Slough Natural Area. The project will help restore 652 acres and improve hydrology over 1,041 acres of wetlands. The SFWMD will provide the equivalent of \$100,000 in staff time and installation services towards the required \$150,000 in-kind match. County staff will provide the remaining \$50,000. No ad valorem hard match is required. The Agreement provides that the SFWMD will assist the County with the replacement of the four (4) deteriorated culverts and reiterates the respective responsibilities of the SFWMD and the County with regards to the joint Award. District 1 (SF)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (Cont'd)

2. Staff recommends motion to approve: a Memorandum of Understanding (MOU) for implementation of the Gateway Community Program of the Florida Trail Association (FTA) in Palm Beach County (County) through activities, events and programs for residents and visitors. **SUMMARY:** The FTA is a non-profit organization whose mission is dedicated to building, maintaining, promoting and protecting over 1,500 miles of hiking trail throughout the State of Florida, referred to as the "Florida National Scenic Trail". Just over 80 miles of the Florida National Scenic Trail exists in Palm Beach County. The FTA has established the "Gateway Community Program" to recognize a mutually beneficial partnership with government agencies, local businesses, convention and visitors bureaus, and tourist development councils that help provide resources, educate, support and promote trail use through activities, events, facilities and programs that attract usage of the trail by both residents and visitors alike. On April 20, 2010, the Board adopted a Resolution (R2010-0637) in support of the "Gateway Community Program". That Resolution called for the establishment of a MOU between the County and the FTA setting out the responsibilities of each of the parties to implement the "Gateway Community Program". This item is to approve that MOU. The MOU sets forth the responsibilities of the FTA, the Tourist Development Council (TDC), the Parks and Recreation Department, and the Department of Environmental Resources Management to integrate the Program objectives, events and activities into the educational and recreational agenda of the County. Funding responsibilities for the County set forth in the MOU are considered minor and are estimated at \$1780 for the installation of up to ten signs. Funds will come from TDC's Tourism Promotion Fund, a non-ad valorem funding source. Countywide (SF)

3. Staff recommends motion to:

**A) approve** U.S. Department of the Interior, Fish and Wildlife Service (Service) Cooperative Agreement No. 40181AJ215 for the Palm Beach County Pondhawk Wetlands Restoration Project, commencing upon execution in FY 2011 through September 1, 2012, in an amount not to exceed \$50,000 with an initial funding of \$25,000;

**B) approve** Budget Amendment up to \$50,000 in the Environmental Resources Capital Fund to recognize the \$50,000 award; and

**C) authorize** the County Administrator, or his designee, to sign all future time extensions, task assignments, certifications, and other forms associated with this Cooperative Agreement including acceptance of the second incremental funding of \$25,000 upon written notification by the Service, and necessary minor amendments that do not change the scope of work or terms and conditions of this contract.

**SUMMARY:** Federal funds, through the Service's South Florida Coastal Program were requested to assist with the planting of the Pondhawk Wetlands Restoration Project in Boca Raton. The Cooperative Agreement will provide funding up to \$50,000 in increments of \$25,000 for the planting of this project, on a reimbursement basis. The wetlands were created by removing sand from the project area and using it to help create the Parks and Recreation Department's Osprey Point Golf Course in Boca Raton and the City of Boca Raton's Library promenade. The grant funds offset partial costs for planting of the wetlands associated with the project. There is no match required for this grant. The project creates approximately 11 acres of wetland habitat for use by wildlife and to provide public viewing and access areas. District 4 (SF)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION

1. Staff recommends motion to receive and file: a fully executed Project Agreement Amendment to Agreement (R2009-2079) for the Florida Inland Navigation District (FIND) Waterways Assistance Program Grant PB-09-140 for the Dubois Park Marina and Shoreline Stabilization project. **SUMMARY:** In 2009, the County applied for and was awarded a \$987,000 FIND grant for the Dubois Park Marina and Shoreline Stabilization project. The FIND Project Agreement specifies that FIND will contribute \$987,000 toward the estimated project cost of \$2,587,975, or no more than 39% percent. The project is now under contract with Murphy Construction, Inc., for \$2,103,300, which was substantially lower than the original engineers' cost estimate. Therefore, the County requested an amendment to the Project Agreement to increase the percentage FIND would reimburse the County from 39% to 47% with the dollar amount of FIND's contribution remaining at \$987,000. A fully executed Project Agreement Amendment is now being submitted to the Board to receive and file. District 1 (AH)
  
2. Staff recommends motion to receive and file: executed Independent Contractor Agreements received during the month of September:
  - A) Caroline Andre, Basketball Cheerleading Coach, Westgate Park & Recreation Center for the period September 8, 2010, through September 26, 2010, in an amount not-to-exceed \$176;
  
  - B) Arthur Gibson, Basketball Referee, Westgate Park & Recreation Center for the period September 11, 2010, through September 26, 2010, in an amount not-to-exceed \$185;
  
  - C) Michael Alford, Basketball Referee, Westgate Park & Recreation Center for the period September 11, 2010, through September 30, 2010, in an amount not-to-exceed \$185;
  
  - D) Caroline Andre, Basketball Cheerleading Coach, Westgate Park & Recreation Center for the period October 1, 2010, through November 14, 2010, in an amount not-to-exceed \$484;
  
  - E) Arthur Gibson, Basketball Referee, Westgate Park & Recreation Center for the period October 1, 2010, through November 14, 2010, in an amount not-to-exceed \$629;
  
  - F) Michael Alford, Basketball Referee, Westgate Park & Recreation Center for the period October 1, 2010, through November 14, 2010, in an amount not-to-exceed \$629;
  
  - G) Teresa Krellner, Basketball Official, West Boynton Park & Recreation Center for the period September 4, 2010, through September 26, 2010, in an amount not-to-exceed \$1,248. (KREL11391809105252G);
  
  - H) Teresa Krellner, Basketball Official, West Boynton Park & Recreation Center for the period October 2, 2010, through November 14, 2010, in an amount not-to-exceed \$2,912;
  
  - I) JKF GOJU KAI, Florida, Inc., Martial Arts Coach, West Jupiter Recreation Center for the period October 2, 2010, through September 29, 2011, in an amount not-to-exceed \$9,840;
  
  - J) Dawn Gunduz, Belly Dancing, West Jupiter Recreation Center for the period October 7, 2010, through September 30, 2011, in an amount not-to-exceed \$7,000;

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION

2. MOTION/TITLE CONTINUED

**K)** Kim Moser, Classical Fencing Instructor, West Jupiter Recreation Center for the period October 6, 2010, through September 29, 2011, in an amount not-to-exceed \$5,200;

**L)** Teresa Stratton, Water Fitness Instructor, Aqua Crest Pool for the period September 21, 2010, through September 20, 2011, in an amount not-to-exceed \$3,500; and

**M)** Steve Vancoppenolle, Water Exercise Instructor, North County Aquatic Complex for the period October 1, 2010, through September 30, 2011, in an amount not-to-exceed \$7,000.

**SUMMARY:** In accordance with County PPM CW-O-051, all delegated contracts/agreements/grants must be submitted by the initiating Department as a receive and file agenda item. The Independent Contractor Agreements have been fully executed on behalf of the Board of County Commissioners (Board) by the County Administrator/Director/Assistant Director of the Parks and Recreation Department in accordance with Resolution 94-422, amended by Resolutions 02-2103 and 07-0409, and are now being submitted to the Board to receive and file. Districts 1, 2, 3 & 7 (AH)

Q. CRIMINAL JUSTICE COMMISSION

1. Staff recommends motion to:

**A) receive and file** the Department of Justice (DOJ) FY '10 Youth Gang Prevention and Intervention Program Grant for \$324,901 for the period of October 1, 2010, through March 31, 2012; and

**B) approve** a Budget Amendment of \$324,901 in the Criminal Justice Commission Grant Fund to establish budget for this project.

**SUMMARY:** Palm Beach County has received a grant award of \$324,901 from the DOJ for an 18 month period to enhance the existing community-based, comprehensive anti-gang strategy. The strategy will be carried out at the Youth Empowerment Centers which are located in hotspot areas (ranked by delinquency referrals) within the County. The program will be enhanced with targeted outreach and case management. This plan will mirror the Boys and Girls Clubs of America's "Gang Prevention through Targeted Outreach" program. All grant funds will be subcontracted to the five (5) partnering cities: West Palm Beach; Riviera Beach; Lake Worth; Boynton Beach; and Belle Glade. There is no match requirement for this grant. Countywide (GB)

3. CONSENT AGENDA APPROVAL

U. INFORMATION SYSTEMS SERVICES

1. Staff recommends motion to approve: the First Amendment to the Agreement (R2010-0650) with Palm Beach State College (PBSC) for connection to the Palm Beach County Regional Network (County) to expand network services through the addition of the Institute of Excellence in Early Care and Education (Institute) sites at a first year revenue to the County estimated at \$6,000 and further defining school locations, usage rates and billing personnel. **SUMMARY:** PBSC has requested that the County add the two (2) Institute locations to the County's Regional Network in addition to the original four (4) PBSC locations. Due to funding considerations, billing for the Institute must be separated from other PBSC installations. Additionally, the Amendment will address the reimbursement by the Institute to the County for any equipment expenditures required for continued or expanded levels of network services and add the required language pertaining to non-discrimination and the Inspector General. Countywide (PFK)
  
2. Staff recommends motion to approve: an Interlocal Agreement with Martin County to interconnect to the Florida LambdaRail Connector Site located in West Palm Beach via the Palm Beach County Regional Network (County) at an annual revenue of \$7,200 for the first point of connection, for an initial term of one (1) year, with automatic one (1) year renewals unless notice given by either party. **SUMMARY:** This Interlocal Agreement allows Martin County to utilize loop services via the County's Regional Network to access the Florida LambdaRail Connector Site on a cost sharing basis similar to existing Interlocal Agreements between the County and various municipalities, the School District of Palm Beach County and others. Interconnection to the County's Network will provide greater bandwidth for Internet access and disaster recovery while reducing Martin County's overall network costs. Martin County agrees to pay the County \$7,200 annually for the initial connection and access to the County's network. Per Exhibit "A" of the Interlocal Agreement, fees for additional network connections are set at \$6,000 annually. This Interlocal Agreement provides for disclosure of County Ordinance No. 2009-049 establishing the Office of the Inspector General. Countywide (PFK)
  
3. Staff recommends motion to approve: Twelfth Amendment to Contract with CGI Technologies and Solutions, Inc. (formerly named American Management Systems, Inc.) (R2002-1782), to extend the ending date from December 31, 2010, to December 30, 2011, at no additional cost to the County. **SUMMARY:** The Twelfth Amendment is an extension to allow additional time for completion of the deliverables specified in the original contract, including Vendor Self Service and Modification No. 11. CGI Technologies and Solutions, Inc. is based in Fairfax, VA. This Amendment provides for disclosure of County Ordinance No. 2009-049 establishing the Office of the Inspector General. Countywide (PFK)

3. CONSENT AGENDA APPROVAL

U. INFORMATION SYSTEMS SERVICES (Cont'd)

4. [Staff recommends motion to approve:](#) an Interlocal Agreement with the Palm Beach County Property Appraiser for the purpose of the County providing access to and use of GIS mapping services at a cost to the Property Appraiser to be determined on a year-to-year basis. **SUMMARY:** Over the past several years, the Palm Beach County Property Appraiser has been cost-sharing with the County on their annual mapping projects. The proposed Interlocal Agreement will standardize this process to facilitate annual budgeting processes. The County and Property Appraiser will share expenses associated with the base map, GIS and mapping services. The Property Appraiser's share of the costs will be determined on a year-to-year basis based on the cost of services. The County will be responsible for maintaining the base map, GIS and providing mapping services. Each party will have access to and use of the technology and data that may be subsequently developed by the County. There is no additional cost to the County to enter into this Interlocal Agreement. If the Letter of Confirmation is not approved by the Property Appraiser in writing within 60 days, the Property Appraiser will have no further obligation for that fiscal year under this Agreement. This Agreement provides for disclosure of County Ordinance No. 2009-049 establishing the Office of the Inspector General. Countywide (PK)

5. [Staff recommends motion to approve:](#)

**A)** Amendment No. 3 to Contract R2006-2516 with Surdex Corporation to extend the term of the contract to November 21, 2011;

**B)** Amendment No. 3 to Contract R2006-2517 with BAE Systems NSS Inc., to extend the term of the contract to November 21, 2011; and

**C)** Amendment No. 3 to Contract R2006-2518 with Woolpert, Inc. to extend the term of the contract to November 21, 2011.

**SUMMARY:** Three (3) firms were selected using the Consultant Competitive Negotiations Act (CCNA) process, contracted on November 21, 2006 to perform digital ortho photography and planimetric mapping for the County (R2006-2516, R2006-2517, and R2006-2518). These Amendments exercise the third and final of three (3) - one (1) year renewal options set forth in the original contracts. No additional costs are associated with these Amendments. Surdex Corporation, a Missouri-based company, subcontracts approximately 8% of their work to a Palm Beach County firm. BAE Systems, a New Jersey-based Company, subcontracts 12% of their work to a Palm Beach County firm, and Woolpert Inc., an Ohio-based company, with offices in Orlando and Miami, FL, subcontracts 3% of their work to a Palm Beach County subcontractor. These Amendments provide for disclosure of County Ordinance No. 2009-049 establishing the Office of the Inspector General. Countywide (PK)

AA. PALM TRAN

1. [Staff recommends motion to approve:](#) a Budget Amendment in the Palm Tran Grant Fund establishing a revenue and expense budget to record the revenue of \$38,184 generated by the sale of surplus equipment acquired with federal funds. **SUMMARY:** Federal regulations mandate that the funding agency be reimbursed for their share in the cost of any equipment that after completing its useful life, generates sales revenue of over \$5,000. To date \$38,184 has been collected from the sale of surplus equipment that was funded with federal grants. This amount only reflects those items that have been sold separately for over \$5,000. With the approval of the funding agency, these funds can be held to offset the cost of a subsequent federal funded capital purchase. Palm Tran is expected to dispose of over 45 buses in the next two (2) years. The creation of a separate unit will allow for clear accounting records of sales proceeds from surplus equipment. The balance of this unit will be amended each time assets are disposed of generating revenue of over \$5,000. Countywide (DR)

3. CONSENT AGENDA APPROVAL

BB. SHERIFF'S OFFICE

1. Staff recommends motion to:

**A) accept** on behalf of the Palm Beach County Sheriff's Office a National Institute of Justice FY 2010 Forensic DNA Backlog Reduction Program Grant in the amount of \$403,372 for the period October 1, 2010, through March 31, 2012; and

**B) approve** a Budget Amendment of \$403,372 in the Sheriff's Grants Fund.

**SUMMARY:** On August 30, 2010, the Palm Beach County Sheriff's Office (PBSO) received an award for the Forensic DNA Backlog Reduction Program. The Forensic Biology Unit (FBU) of PBSO accepts casework evidence from over 29 law enforcement agencies including the Medical Examiner's Office. These funds will be used to continue to pay the salary and benefits of two (2) 2008 Backlog Reduction full-time entry level Forensic Scientists and for equipment, consulting fees, and computer software licenses. There is no match requirement associated with this award. No additional positions are needed and no additional County funds are required until grant funding expires in FY 2012. Countywide (DW)

2. Staff recommends motion to:

**A) accept** the National Institute of Justice (NIJ) FY 2010 "Solving Cold Cases with DNA Program Grant in the amount of \$132,505 for the period of October 1, 2010, through March 31, 2010; and

**B) approve** a Budget Amendment of \$132,505 increasing the Sheriff's Grant Fund.

**SUMMARY:** On August 24, 2010, the Palm County Sheriff's Office (PBSO) received an award for the Solving Cold Cases with DNA Program. The objective of this grant is to combine the efforts of the PBSO Special Investigations Bureau, Crimes Against Children/Sexual Assault Unit with the Violent Crimes Bureau in conjunction with the experience of the Serology/DNA Section of the Crime Laboratory to solve Cold Cases. These funds, which have been approved by NIJ, will be used to pay overtime, travel, and consulting fees; and for the purchase of laboratory supplies and equipment. There is no match requirement associated with this award. No additional positions are needed and no County funds are required. Countywide (DW)

3. Staff recommends motion to:

**A) accept** on behalf of the Palm Beach County Sheriff's Office a Victim of Crime Act (VOCA) Agreement with the State of Florida, Office of the Attorney General in the amount of \$53,223 for the continuation of a victim advocate position for the period October 1, 2010, through September 30, 2011; and

**B) approve** a Budget Amendment of \$53,223 in the Sheriff's Grants Fund.

**SUMMARY:** On August 16, 2010, the Palm Beach County Sheriff's Office (PBSO) received a VOCA grant. These funds will be used to continue to allow for a victim advocate position to concentrate on the victim population in Palm Beach County. This position will continue to coordinate services with PBSO officers and other municipal agencies to offer crisis intervention, lethality assessments and safety plans. The PBSO will be reimbursed for personnel expenses totaling \$53,223. The PBSO will provide the 20% required match in the amount of \$13,306, through its approved operating budget. No additional positions are needed and no additional County funds are required until grant funding expires in FY 2011. Countywide (DW)

3. CONSENT AGENDA APPROVAL

BB. SHERIFF'S OFFICE (Cont'd)

4. Staff recommends motion to:

**A) accept** on behalf of the Palm Beach County Sheriff's Office a Department of Justice Office of Justice Programs Smart FY 2010 Comprehensive Approaches to Sex Offender Management Grant award in the amount of \$150,000 for the period of October 1, 2010, through September 30, 2012; and

**B) approve** a Budget Amendment of \$150,000 in the Sheriff's Grants Fund.

**SUMMARY:** On September 1, 2010, the Palm Beach County Sheriff's Office received an award to implement the Palm Beach County Sex Offender Management Strategy. The purpose of the strategy is to provide for greater offender accountability; while improving community safety, and support of the successful re-integration of sexual offenders into the community. Funding provided will be used for equipment, supplies, contractual services, and to pay overtime associated with the strategy. There is no match requirement associated with this award. No additional positions are needed and no additional County funds are required. Countywide (DW)

5. Staff recommends motion to:

**A) accept** on behalf of the Palm Beach County Sheriff's Office a National Association of Drug Diversion Investigators, Inc. award in the amount of \$10,000 for the Prescription Drug Abuse Enforcement Project FY '10; and

**B) approve** a Budget Amendment of \$10,000 increasing the Sheriff's Grants Fund.

**SUMMARY:** On September 1, 2010, the Palm Beach County Sheriff's Office (PBSO) received an award from the National Association of Drug Diversion Investigators, Inc. (NADDI) for the PBSO Public Service Campaign Project. The funds provided will be used by PBSO's Narcotics Division to conduct drug diversion investigations and increase public awareness. There is no match requirement associated with this award. No additional positions are needed and no additional County funds are required. Countywide (DW)

\* \* \* \* \*

4. PUBLIC HEARINGS – 9:30 A.M. (Motion to receive and file: Proof of publication)

A. **Staff recommends motion to adopt:** an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Sections 17-115 and 116 of the Code of Laws and Ordinances; codifying the “Tourist Development Ordinance” of Palm Beach County, Florida, Ordinance 95-30, as amended, providing for an amendment to the Tourist Development Plan relating to the expenditure of “Bed Tax” revenues for the payment of debt service for bonds issued to finance the planning, design and construction of a professional sports franchise facility and a convention center and for the operation and maintenance of the convention center; providing for compliance with a revised code of ethics; providing for repeal of laws in conflict; providing for severability; providing for inclusion in the Code of Laws and Ordinances; and providing for an effective date. **SUMMARY:** This Amendment to the TDC Ordinance authorizes the expenditure of TDC “bed tax” revenues for debt service payments for bonds issued for the planning, design and construction costs of the Roger Dean Stadium and Convention Center and operational costs of the Convention Center. These expenditures have been paid exclusively from 4<sup>th</sup> cent TDC revenues. However, due to declining “bed tax” receipts, it will be necessary, in order to meet these debt service obligations, to use revenues from the 1<sup>st</sup> cent as well. This Amendment also provides for a revised Code of Ethics. Countywide (MC)

B. **Staff recommends motion to:**

**A)** determine that Palm Beach County has adhered to and implemented its Five Year Road Program based on substantial evidence that the funding for the current fiscal year and the addition of the new fifth year are as contemplated in the Comprehensive Plan and that fewer than 20% of the FY 2009 construction projects are more than 12 months behind schedule as defined in Attachment “1” of the Agenda Item;

**B)** adopt an Ordinance amending Ordinance No. 85-40, as amended, establishing an amended Five Year Road Program; providing for title; purpose; adoption of revised Five Year Road Program and revised list of projects contained in Exhibit “A”; implementation of the plan; modification of plan; funding of other roadway improvements, interpretation of exhibit; repeal of Laws in conflict; severability; inclusion in the Code of Laws and Ordinances; and effective date.

**SUMMARY:** In accordance with Traffic Performance Standards, Article 12, Chapter N, Section 5 of the present Unified Land Development Code requires that concurrent with the adoption of the annual Five Year Road Program, the Board of County Commissioners (Board) must determine that the Findings of Fact have been made. The Findings of Fact have been made and are defined in Attachment “1” of the Agenda Item. This is the annual update of the County’s Five Year Road Program which is required to be considered each year by the Five Year Road Program Ordinance. On October 5, 2010, the Board approved this Ordinance on Preliminary Reading. Exhibit “A” to the Ordinance contains the road projects to be undertaken by the County in the next five (5) years. Countywide (MRE)

\* \* \* \* \*

5. REGULAR AGENDA

A. COUNTY ATTORNEY

1. **Staff recommends motion to adopt:** a Resolution approving the issuance of one or more series of revenue bonds in an amount not to exceed \$60,000,000 (the "Bonds") by the Palm Beach County Health Facilities Authority (the "Authority"), and providing an effective date. **SUMMARY:** The proceeds of the Bonds will be used by the Authority to make one or more loans to ACTS Retirement-Life Communities, Inc. (the "Corporation") for the proposed issuance of the Authority's Retirement Communities Revenue Bonds to be issued in an amount not to exceed \$60,000,000, the proceeds of which shall be loaned to the Corporation to be used to pay the costs (including the funding of financing costs and any necessary reserve funds) of financing or refinancing various and miscellaneous capital expenditures, renovations, improvements and additions to any and all of the financed facilities located in Palm Beach County and Indian River County. The Authority is governed by a five (5) member governing body whose members are appointed by the Board of County Commissioners. The facilities to receive funding located in Palm Beach County, Florida are at the following addresses or locations: St. Andrews Estates North located at 6152 North Verde Trail, Boca Raton; St. Andrews Estates South located at 6045 Verde Trail South, Boca Raton; Edgewater Pointe Estates located at 23315 Blue Water Circle, Boca Raton; and two facilities are located in Indian River County, Florida at Indian River Estates East located at 2250 Indian Creek Blvd West, Vero Beach; and Indian River Estates West located at 7730 Indian Oaks Drive, Vero Beach. **Neither the taxing power nor the faith and credit of the County, nor any County funds, shall be pledged to pay principal or redemption premiums, if any, or interest on the Bonds.** District 4 (PFK)

**TIME CERTAIN 10:00 A.M.**

2. **Staff requests Board direction:** regarding wage theft. **SUMMARY:** Wage theft is the unlawful under payment or non-payment of workers' wages within a reasonable time. At the request of People Engaged in Active Community Efforts, Inc. (PEACE), the Board directed the office of the County Attorney to research and report on the Miami-Dade Wage Theft Ordinance and whether a similar ordinance could be enacted for Palm Beach County under the County Charter and federal and state law. Moreover, the Board directed the County Attorney to research and report on alternative remedies for wage theft currently available under existing federal and state law. The Board also directed staff to provide an estimate of the cost associated with implementing a wage theft ordinance. Staff seeks further Board direction whether to draft a proposed Palm Beach County wage theft ordinance for the Board's further consideration and public hearing. Countywide (EC)

5. REGULAR AGENDA

B. COMMISSION ON ETHICS

1. Staff recommends motion to approve: an Interlocal Agreement with the Town of Lantana to engage the services of the Palm Beach County Commission on Ethics. **SUMMARY:** The Lantana Town Council adopted an ordinance subjecting the Town to the jurisdiction and authority of the Palm Beach County Commission on Ethics. This Interlocal Agreement will allow the Town to engage the services of the Commission on Ethics and its Executive Director. This action addresses the Town's desire to subject itself to the County's ethics regulations prior to consideration of a Charter amendment this November. The Charter amendment, if approved by voters, will allow the County to adopt ethics regulations applicable in each municipality that voted in favor of the amendment. District 3 (LB)
2. Staff recommends motion to approve: an Interlocal Agreement with the City of Boynton Beach to engage the services of the Palm Beach County Commission on Ethics. **SUMMARY:** The Boynton Beach City Commission adopted an ordinance subjecting the City to the jurisdiction and authority of the Palm Beach County Commission on Ethics. This Interlocal Agreement will allow the City to engage the services of the Commission on Ethics and its Executive Director. This action addresses the City's desire to subject itself to the County's ethics regulations prior to consideration of a Charter amendment this November. The Charter amendment, if approved by voters, will allow the County to adopt ethics regulations applicable in each municipality that voted in favor of the amendment. District 3 (LB)

C. FACILITIES DEVELOPMENT & OPERATIONS

1. Staff recommends motion to approve: the original August 17, 2010 recommendation to select the Transit Village proposal for the "wedge" property conditioned on satisfactory results from a traffic study and negotiation of a development agreement, or provide alternative direction including: 1) reject the proposal and terminate the RFP process, or 2) give Transit Village time to try to arrange/pay for required pre-selection study(s). **SUMMARY:** On August 17, the Board considered Staff's recommendation to select the proposal submitted by Transit Village LLC. The Board indicated its desire to have traffic and market studies performed up front by the County prior to selection, and directed Staff to inquire of the City/CRA whether they would be willing to pay for the studies. The City/CRA responded that they are not willing to fund these studies, as they normally require the private sector proposers to fund them. Multiple owners of adjacent properties have now expressed concerns regarding the effect of this proposed development upon the depressed office building market and traffic impacts on Clearwater Drive. Staff does not think that a market study will provide definitive answers that can be relied on in making this determination. Details of land cost, estimated present value and equivalent compensation to be paid by Transit Village is provided in the September 2, 2010 attachment. (PREM) Countywide (HJF)

5. REGULAR AGENDA

C. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

2. Staff recommends motion to approve:

**A)** Amendment Number Two to Lease Agreement (R2001-0483) with Regions Financial Tower, LLLP, extending the term of the lease of office space for the Tourist Development Council (TDC) for three (3) years;

**B)** a Waiver of the prohibited contractual relationship with E. Llwyd Ecclestone, Jr., who controls the management of Regions Financial Tower and is a member of the County's Aviation and Airports Advisory Board; and

**C)** a Waiver of the prohibited contractual relationship with E. Llwyd Ecclestone, III, who holds a 25% interest in Regions Financial Tower and is an advisory board member of the County's Impact Fee Review Committee.

**SUMMARY:** Since 1992, the County has leased office space on behalf of TDC in the Regions Financial Tower on Palm Beach Lakes Boulevard in West Palm Beach. The current Lease expires July 31, 2011. This Amendment Number Two: reduces the leased premises by 3,885 square feet effective as of October 1; extends the term for three (3) years until July 31, 2014; reduces the rent payable during the extension from \$32.80/sf to \$24.54/sf; eliminates annual rental increases and reduces the per space charge for reserved parking spaces during the extension from \$28.46 to \$20. The extension of this Lease will provide additional time to develop and implement a program to relocate TDC into County-owned space. Section 2-443(c) of the Code of Ethics prohibits contractual relationships between the County and an advisory board member or the advisory board member's outside employer or business. Section 2-443(d) provides that the prohibited relationship may be waived upon the affirmative vote of five (5) members of the Board. Staff recommends the waiver as this is an extension of a pre-existing lease and these advisory boards have no input on general County real estate transactions. (PREM) District 7 (HJF)

5. REGULAR AGENDA

D. RISK MANAGEMENT

1. Staff recommends motion to approve:

**A)** Fourth annual option to renew the Amended and Restated Administrative Services Only Agreement (R2006-2287; dated October 17, 2006) with Connecticut General Life Insurance Company (CIGNA) for claims administration services for the County's self-funded triple option (HMO, POS, PPO) health insurance plan for the period January 1, 2011, through December 31, 2011;

**B)** CIGNA's proposed administrative fees and specific stop loss premiums and risk retention level for plan year 2011; and

**C)** Changes to certain copayments and rate contributions paid by employees and their eligible dependents for plan year 2011.

**SUMMARY:** Staff recommends Board approval for the fourth annual option to renew the Administrative Services Only Agreement with CIGNA for the period January 1, 2011, through December 31, 2011. For plan year 2011, projected Board premiums for the County's self-funded health plans reflect an increase in employee cost sharing for both plan copayments and monthly premiums. The recommended employee cost sharing increases, estimated to total approximately \$7,000,000 for the 2011 plan year, are necessary to offset the increasing cost of the health plans and to meet the Board's budgetary objectives. The total plan cost projected for 2011 is \$61,357,242, a \$1,504,901 increase over the projected cost for the expiring plan year. Included within this amount is \$2,779,124 in administrative and stop-loss insurance costs for the renewing contract with CIGNA. The increase in employee cost sharing, coupled with a fund balance accumulation due to less than expected claims experience in prior plan years, will negate a need to increase the Board's level of funding for coming year. Eligible employees of Palm Tran, Inc. and the Supervisor of Elections will continue to participate in the health insurance plans along with the eligible employees of the Palm Beach County Board of County Commissioners. Sufficient funds have been budgeted to fund the program. Countywide (TKF)

E. HOUSING & COMMUNITY DEVELOPMENT

1. Staff recommends motion to approve: Neighborhood Stabilization Program (NSP) residential first and second mortgage for \$70,000 and a forgivable second mortgage for \$80,000 for a total funding amount of \$150,000 to Natasha Jean-Louis a County employee. **SUMMARY:** Natasha Jean-Louis is a very low income unmarried female who has been employed with Palm Beach County Parks & Recreation as a secretary for seven (7) years. She is now seeking to purchase a home in the amount of \$123,000. The home is located at 426 La Mancha Avenue, Royal Palm Beach, Florida 33411. The home contains 1,617 square feet with three (3) bedrooms and two (3.1) baths. Total cost for this residential purchase and repair is \$152,708.67. The appraised "as is" value is \$150,000. The value after rehab will be \$185,000. This amount includes the purchase price of \$123,000; repair costs of \$26,050; and closing costs of \$3,658.67. The total applicant contribution is \$2,708.67 which includes mandatory 1% down payment of \$1,230. Palm Beach County will provide a first mortgage loan of \$70,000 for 30 years at four percent (4%) interest, a second mortgage of \$80,000. The second mortgage requires no repayment if Ms. Jean Louis lives in the home as her principal place of residence for 30 years. **These are federal funds which require no local match.** District 6 (TKF)

5. REGULAR AGENDA

E. HOUSING & COMMUNITY DEVELOPMENT (Cont'd)

2. Staff recommends motion to approve: six (6) Agreements under the FY 2010-2011 Federal HOME Community Housing Development Organization (CHDO) program totaling \$484,927, in the amounts indicated below, for the period October 19, 2010, to April 30, 2012:

A) REACH Community Development Corporation (CDC) - \$80,821

B) We Help Community Development Corporation (CDC) - \$80,821

C) NOAH Community Development Corporation (CDC) - \$80,821

D) Neighborhood Renaissance Community Development Corporation (CDC) - \$80,821

E) Word of Faith Community Development Corporation (CDC) - \$80,821

F) Delray Beach Community Development Corporation (CDC) - \$80,821

**SUMMARY:** The Department of Housing and Community Development published a Request for Qualifications (RFQ CHDO 9-10 (3)) to select qualified Community Development Organizations to provide homebuyer purchase assistance to eligible households. The six (6) agencies identified were certified as eligible entities. These funds will be used toward the construction, acquisition or rehabilitation of at least six (6) affordable housing units to be purchased by eligible first-time homebuyers, participating in Palm Beach County's First-time Homebuyer Program. **These are Federal HOME funds for which there is not a requirement for local matching funds.** Districts 1, 6 & 7 (TKF)

F. PLANNING, ZONING & BUILDING

1. Staff recommends motion to approve on preliminary reading and advertise for first reading on October 28, 2010 at 9:30 A.M.: an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, to amend the approval process for a veterinary clinic with no outdoor runs, by amending the Unified Land Development Code, Ordinance 2003-067, as amended as follows: Article 3, overlays and zoning districts; Chapter E, planned development districts (PDDS); Article 4, use regulations; Chapter A, use classification; Chapter B, supplementary use standards; providing for interpretation of captions; repeal of laws in conflict; severability; a savings clause; inclusion in the Unified Land Development Code; and an effective date. **SUMMARY:** At the September 30, 2010 BCC Zoning Hearing, the Board directed Zoning staff to amend the Unified Land Development Code (ULDC) Planned Development District (PDD) Use Matrix to allow a veterinary clinic with no outdoor runs and less than 3,000 square feet in gross floor area to be a permitted use. Unincorporated (LB)

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6. BOARD APPOINTMENTS

A. PUBLIC AFFAIRS  
(Education & Government Programming Advisory Board)

1. Staff recommends motion to approve: appoint one (1) At large member to the Education and Government Programming Advisory Board for a term of two (2) years:

<u>Appoint:</u>	<u>Seat</u>	<u>Requirement</u>	<u>Nominated By</u>	<u>Term</u>
Dr. Bernadette Mendonez Russell	5	Adult Educator	Comm. Marcus	10/19/10-
			Comm. Taylor	10/18/12
			Comm. Abrams	

**SUMMARY:** The Education and Government Programming Advisory Board was created by Resolution No. R91-1489 and amended by Resolution No. R92-388 on March 17, 1992. The Advisory Board consists of ten (10) At-Large members. Board members represent fields of expertise from the following categories: Broadcast General Manager; Engineer with experience in telecommunication systems; Marketing Director; Cable Industry; Adult Education; PBC Public School System; Member of the BCC; Municipal government representative; and two (2) Citizens-at-Large. The members are appointed by the Board of County Commission and provide assistance in the operation of Channel 20. On August 12, 2010, a memo was sent to the Board of County Commissioners requesting nominations, appointments or reappointments. Countywide (MJ)

B. HEALTH DEPARTMENT  
(Environmental Appeal Board)

1. Staff recommends motion to approve:

**A)** waiver of prohibited relationship pursuant to Ordinance 2009-051, the Palm Beach County Code of Ethics for Curt G. Campbell, who is employed with Alan Gerwig & Associates, Inc. and the company has two (2) existing contracts with the Board of County Commissioners; and

**B)** appointment of the following individual to the Palm Beach County Environmental Appeal Board, to complete the unexpired term of Brian LaMotte, who resigned and whose term expires July 27, 2011:

<u>Nominee</u>	<u>Seat No.</u>	<u>Seat Requirement</u>	<u>Nominated by:</u>
Curt G. Campbell	1	Professional Engineer	American Society of Civil Engineers-PB Branch

**SUMMARY:** The Board if composed of five (5) members. Membership must consist of one (1) lawyer recommended by the Palm Beach County Bar Association; one (1) person recommended by the Gold Coast Builders Association (formerly known as Home Builders and Contractors Association); one (1) professional engineer recommended by the Palm Beach Branch of the American Society of Civil Engineers; one (1) water resource professional employed by the South Florida Water Management District; and one (1) drinking water engineer employed by the Department of Environmental Protection. This action will fill the above-referenced seat until July 27, 2011. A prohibited relationship waiver is being recommended for Curt G. Campbell who is an employee of Alan Gerwig & Associates, Inc. and the company has two (2) existing contracts for engineering services with the Board of County Commissioners. Curt G. Campbell had disclosed this relationship and is requesting a waiver pursuant to Section 3.D. of the Code of Ethics. The waiver is being recommended based on a staff determination that the appointment of Curt G. Campbell and the existing contractual relationship will not create a conflict of interest. Countywide (GB)

C. COMMISSION DISTRICT APPOINTMENTS

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**OCTOBER 19, 2010**

**7. STAFF COMMENTS**

**A. ADMINISTRATION COMMENTS**

**B. COUNTY ATTORNEY**

**OCTOBER 19, 2010**

**8. COMMISSIONER COMMENTS**

**A. District 1 - COMMISSIONER KAREN T. MARCUS, VICE CHAIR**

**B. District 2 -**

**C. District 3 - COMMISSIONER SHELLEY VANA**

**D. District 4 – COMMISSIONER STEVEN L. ABRAMS**

**E. District 5 - COMMISSIONER BURT AARONSON, CHAIR**

**F. District 6 - COMMISSIONER JESS R. SANTAMARIA**

**G. District 7 - COMMISSIONER PRISCILLA A. TAYLOR**

**9. ADJOURNMENT**

"If a person decides to appeal any decision made by this Commission with respect to any matter considered at this meeting or hearing, he will need a record of the proceedings, and that, for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based."

**BOARD OF COUNTY COMMISSIONERS  
BOARD MEETING  
PALM BEACH COUNTY, FLORIDA**

**ADDITIONS, DELETIONS, & SUBSTITUTIONS**

**OCTOBER 19, 2010**

<u>PAGE</u>	<u>ITEM</u>	
31	3BB-2	<b><u>REVISED TITLE:</u> Staff recommends motion to: A) accept</b> the National Institute of Justice (NIJ) FY 2010 “Solving Cold Cases with DNA Program Grant in the amount of \$132,505 for the period of October 1, 2010, through <del>March 31, 2010</del> <u>March 31, 2012</u> ; and..(PBSO)
38	5E-2	<b><u>REVISED TITLE &amp; SUMMARY:</u> Staff recommends motion to approve:</b>  <b><u>A) a waiver of prohibited relationship to Ordinance 2009-051, the Palm Beach County code of Ethics, for William Sanders of Delray Beach Community Development Corporation and Dr. Dorothy M. Walker of the We Help Community Development Corporation; and</u></b>  <b><u>B) six (6) Agreements under the FY 2010-2011 Federal HOME Community Housing Development Organization (CHDO) program totaling \$484,927, in the amounts indicated below, for the period October 19, 2010, to April 30, 2012.</u></b>  <b>A) REACH Community Development Corporation (CDC) - \$80,821</b> <b>B) We Help Community Development Corporation (CDC) - \$80,821</b> <b>C) NOAH Community Development Corporation (CDC) - \$80,821</b> <b>D) Neighborhood Renaissance Community Development Corporation (CDC) - \$80,821</b> <b>E) Word of Faith Community Development Corporation (CDC) - \$80,821</b> <b>F) Delray Beach Community Development Corporation (CDC) - \$80,821</b>  <b><u>SUMMARY:</u> The Department of Housing and Community Development published a Request for Qualifications (RFQ CHDO 9-10 (3) to select qualified Community Development Organizations to provide homebuyer purchase assistance to eligible households. The six (6) agencies identified were certified as eligible entities. These funds will be used toward the construction, acquisition or rehabilitation of at least six (6) affordable housing units to be purchased by eligible first-time homebuyers, participating in Palm Beach County’s First-time Homebuyer Program. <u>Prohibited relationship waivers are being recommended for two (2) individuals who serve on County advisory boards. These individuals disclosed this relationship and are requesting a waiver pursuant to Section 3.D. of the Code of Ethics. The waivers are being recommended based on a staff determination that the execution of this Contract will not create a conflict of interest with the continued service of these individuals on the advisory boards. These are Federal HOME funds for which there is not a requirement for local matching funds. Districts 1, 6 &amp; 7 (TKF) (HCD)</u></b>

38 5G-1 **ADD-ON: Staff recommends motion to approve:** sending a letter to the State Board of Education expressing the County's concerns regarding the proposed sale of Barry University's WXEL FM 90.7, a public broadcast radio station. **SUMMARY:** At the BCC meeting of October 5, 2010, the Board directed staff to look into preparing a letter to the Florida Department of Education urging rejection of the request to sell Barry University's WXEL FM 90.7, a public broadcast radio station located in Boynton Beach. The direction asked staff to review the circumstances of the sale and if appropriate, draft a letter for Board consideration. On October 14, staff met with representatives of the Community Advisory Board and the Community Broadcasting Foundation, both of which oppose the proposed sale of WXEL FM 90.7, which is contingent upon the approval of the State Board of Education and the Federal Communications Commission. The State Board of Education is set to meet on December 17, 2010, to consider the proposed sale. Staff has prepared the attached letter to the State Board of Education expressing concerns with the effect the proposed sale may have on the local nature of the station. Countywide (MJ) (Admin)

39 6B-1 **Note:** BCC must RECESS AS THE BOARD OF COUNTY COMMISSIONERS and CONVENE as the ENVIRONMENTAL CONTROL BOARD:

**Staff recommends motion to approve:**

**A)** waiver of prohibited relationship pursuant to Ordinance 2009-051, the Palm Beach County Code of Ethics for Curt G. Campbell, who is employed with Alan Gerwig & Associates, Inc. and the company has two (2) existing contracts with the Board of County Commissioners; and

**B)** appointment of the following individual to the Palm Beach County Environmental Appeal Board, to complete the unexpired term of Brian LaMotte, who resigned and whose term expires July 27, 2011:

<u>Nominee</u>	<u>Seat No.</u>	<u>Seat Requirement</u>	<u>Nominated by:</u>
Curt G. Campbell	1	Professional Engineer	American Society of Civil Engineers-PB Branch

**After Board Appointment made:** BCC must ADJOURN AS THE ENVIRONMENTAL CONTROL BOARD AND RECONVENE AS THE BOARD OF COUNTY COMMISSIONERS. (Health Department)

**NOTE:** Items that were revised, added, deleted, or backup submitted and were not listed on the preliminary addition/deletion sheet distributed to the Board the prior day are noted with an asterisk (\*).